

UNITED STATE DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Farrokh Seifae, Personally and on Behalf
of All Others Similarly Situated,

Plaintiff,

v.

Areva NP Inc. d/b/a Areva Inc.,

Defendant.

CIVIL ACTION NO:

NOTICE OF REMOVAL

**TO THE JUDGES OF THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

Pursuant to 28 U.S.C. § 1446(a), the defendant, Areva NP Inc. d/b/a Areva Inc. ("AREVA"), hereby invokes this Court's jurisdiction under the provisions of 28 U.S.C. §§ 1332 and 1441(a) and states the following grounds for removal:

1. On May 12, 2014, the plaintiff filed an action, styled and captioned as above¹ and assigned Civil Action No. MICV2014-04661, along with a Civil Action Cover Sheet, for Age Discrimination/Disparate Treatment, Age Discrimination/Disparate Impact, Unlawful Interference/Disparate Treatment, and Unlawful Interference/Disparate Impact against the defendant in Middlesex County Superior Court.
2. The plaintiff served a Summons and Complaint upon Areva's registered agent on or about May 30, 2014.

¹ AREVA disputes plaintiff's characterization of his status as "on Behalf of All Others Similarly Situated." AREVA states that this characterization styles the matter as a class action, and plaintiff has not obtained class action certification. As such, AREVA states that the plaintiff should be Farrokh Seifae in his individual capacity.

3. The Summons, Complaint, and Civil Action Cover Sheet constitute all process, pleadings, and orders served on the defendant to date in this action. A copy of the Complaint is attached hereto at Exhibit A.
4. Having been filed within 30 days of service of the Summons and Complaint upon the defendant, this Notice of Removal to the United States District Court has been filed in a timely manner pursuant to the provisions of 28 U.S.C. § 1446(b). See Murphy Brothers, Inc. v. Michetti Pipe Stringing, Inc., 526 U.S. 344, 347-48, 119 S. Ct. 1322, 1325 (1999).
5. The defendant will promptly provide written notice, as required by 28 U.S.C. § 1446(d), to the adverse party and clerk of the state court in which this case was initially filed.
6. Jurisdiction exists over this removed action, pursuant to 28 U.S.C. § 1441, because this action could originally have been filed in this Court, pursuant to 28 U.S.C. § 1332(a)(1), on the basis that there is complete diversity of citizenship between the parties and the amount in controversy exceeds \$75,000:
 - a. The defendant, AREVA, is a Delaware corporation with its principal place of business in Lynchburg, Virginia.
 - b. Based on the Complaint, the plaintiff is an individual residing in Acton, Middlesex County, Massachusetts.
 - c. The plaintiff's Civil Action Cover Sheet, which was filed with plaintiff's Complaint in the Middlesex County Superior Court on May 12, 2014, alleges "\$1,000,000+" in damages. A copy of the plaintiff's Civil Action Cover Sheet is attached hereto as Exhibit B.

7. Pursuant to 28 U.S.C. §§ 101 and 1441(a), the United States District Court for the District of Massachusetts is the proper forum for removal of the state court action which was commenced in Middlesex County Superior Court.

WHEREFORE, the defendant requests that the action pending in Middlesex County be removed therefrom to this Court and proceed as an action properly so removed.

Respectfully submitted,

The defendant,
By its Attorneys

/s/ Grace V.B. Garcia

Grace V.B. Garcia, BBO#640970
Allison C. Goldberg, BBO#672979
Morrison Mahoney LLP
250 Summer Street
Boston, MA 02210
(617) 439-7500

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF System will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants this 24th day of June 2014. I further certify that a true and correct copy of the foregoing document was served by mail upon the following attorney of record on June 24, 2014.

Todd J. Bennett
Eric R. LeBlanc
Bennet & Belfort PC
24 Thorndike Street
Suite 300
Cambridge, MA 02141

/s/ Grace V.B. Garcia

Grace V.B. Garcia, Esquire